99TH CONGRESS
1st Session

SENATE

TREATY DOC.
99-4

PROTOCOL TO THE CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE PROTOCOL TO THE 1966 INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT), AGREED UPON JULY 10, 1984, BY THE CONFERENCE OF PLENIPOTENTIARIES OF THE CONTRACTING PARTIES TO THE 1966 CONVENTION, AND SIGNED BY THE UNITED STATES ON SEPTEMBER 10, 1984

MARCH 18, 1985.—Protocol was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

---

U.S. GOVERNMENT PRINTING OFFICE

51-118 O

WASHINGTON : 1985

S385-4

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *March 14, 1985.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Protocol agreed upon July 10, 1984 by the Conference of Plenipotentiaries of the Contracting Parties to the International Convention for the Conservation of Atlantic Tunas (ICCAT). The Protocol was signed by the United States on September 10, 1984. It will enter into force following ratification by all Contracting Parties of the ICCAT. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol would amend the ICCAT to permit intergovernmental economic integration organizations, such as the European Economic Community (EEC), to become Contracting Parties to the ICCAT on behalf of their member States. The ICCAT, which seeks to promote the conservation of tuna and tuna-like fish in the Atlantic Ocean, now provides only for the accession of individual States as Contracting Parties.

Once the Protocol has entered into force, it is anticipated that the EEC will take the necessary steps to become a Contracting Party. At that time France will withdraw from the ICCAT. These actions are intended to recognize the competence of the EEC over fisheries matters on behalf of its member States and is consistent with the long-standing support of the United States for the process of European integration embodied by the EEC. Ratification by the United States will be necessary before the Protocol can enter into force, as the Protocol stipulates that all Contracting Parties must ratify the agreement in order for its provisions to take effect.

I recommend that the Senate give early consideration to the Protocol and gives its advice and consent to ratification.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, February 26, 1985.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with the view to its transmission to the Senate for advice and consent to ratification, the Protocol agreed upon July 10, 1984 by the Conference of Plenipotentiaries of the Contracting Parties to the International Convention for the Conservation of Atlantic Tunas (done at Rio de Janerio, May 14, 1966 and hereafter referred to as ICCAT or the Convention). The Protocol was signed by the United States on September 10, 1984 and will enter into force when ratified by all ICCAT Contracting Parties. The Protocol would amend the ICCAT to permit intergovernmental economic integration organizations, such as the European Economic Community (EEC), to become Contracting Parties to the Convention on behalf of their member states.

ICCAT entered into force in 1969 and provided for the establishment of a Commission to promote the conservation of tuna and tuna-like fish in the Atlantic Ocean. The Convention now provides only for the accession of individual States as Contracting Parties. The present Contracting Parties are: Angola, Benin, Brazil, Canada, Cape Verde, Cuba, France, Gabon, Ghana, Ivory Coast, Japan, Korea, Morocco, Portugal, San Tome and Principe, Senegal, South Africa, Spain, United States, Uruguay, U.S.S.R. and Venezuela.

The negotiation of this Protocol was sought principally by the Government of France and the Commission of the EEC in order to recognize the competence of the EEC over fisheries matters on behalf of its member States. The United States has supported this Protocol in view of our longstanding backing for the process of European integration embodied by the EEC. Ratification by the United States will be necessary before the Protocol can enter into force. The Protocol stipulates that all Contracting Parties must ratify it in order for these provisions to take effect.

The Protocol will amend Articles XIV, XV and XVI of the Convention. Article XIV is modified to indicate that the Convention shall be open for signature or adherence by any intergovernmental economic integration organization constituted by States that have transferred to it competence over the matters governed by the Convention. Once such an organization has deposited its instrument of adherence to the Convention, it will have the same rights and obligations in respect to the provisions of the Convention as the other Contracting Parties. In addition, once such an organization be-

comes a Contracting Party, the present member States of the organization and those which may become members in the future will cease to be parties to the Convention. Articles XV and XVI are modified to bring these articles into conformity with the amendments made in Article XIV.

Once Protocol has entered into force, it is anticipated that the EEC will take the necessary steps to become a Contracting Party. At that time, France will withdraw from the ICCAT. In addition, future members of the EEC such as Spain and Portugal would cease to be parties to the ICCAT once their membership in the EEC takes effect. The Final Act of the Conference of Plenipotentiaries which drafted the Protocol noted that the Protocol would be applicable to the EEC, with the understanding that the Community will have but one vote within the ICCAT Commission. A copy of the Final Act is attached for information.

The Protocol will not directly affect the membership of the United States in the ICCAT. Moreover, there will be no direct cost to the United States Government from the modifications in the Convention made by the Protocol. United States tuna industry interests are aware of the Protocol and have indicated no objections to its ratification. The Departments of State and Commerce recommend ratification.

Respectfully submitted.

GEORGE P. SHULTZ.

Attachment: Final Act.

Final Act of the Conference of Plenipotentiaries of the States Parties to the International Convention for the Conservation of Atlantic Tunas

(Paris, July 9–10, 1984)

1. At the invitation of the Government of the Republic of France, a Conference of Plenipotentiaries of the States Parties to the International Convention for the Conservation of Atlantic Tunas was held in Paris on July 9 and 10, 1984.

2. The following States were present at the Conference: Angola, Benin, Brazil, Canada, Cuba, France, Ghana, Ivory Coast, Japan, Republic of Korea, Morocco, Portugal, Saõ Tomé and Principe, Senegal, South Africa, Spain, United States, Uruguay, U.S.S.R., Venezuela.

3. The European Economic Community, invited as an observer, and the Food and Agriculture Organization of the United Nations were present at the Conference and participated in the proceedings.

4. The Conference used as a basis for its discussion the final report of the Eighth Regular Meeting of the International Commission for the Conservation of Atlantic Tunas held in Madrid, November 9–15, 1983.

5. The Conference agreed upon the attached Protocol relating to the modification of Articles XIV, XV and XVI of the International Convention for the Conservation of Atlantic Tunas.

6. The Conference also agreed that the provisions of Article XIV, paragraph 4, contained in the above-mentioned Protocol, will, upon their entry into force, be applicable to the European Economic Community with the understanding that the European Economic Community will have the rights and obligations of a single Contracting Party, especially as concerns voting and contributions to the budget of the International Commission for the Conservation of Atlantic Tunas.

7. The Conference took note of the explanations offered by the Japanese representative regarding the problems of a procedural nature which were not resolved during the course of the meeting. The representative, however, in a spirit of compromise, did not oppose the consensus reached in the Conference in order to ensure the early admission of the European Economic Community to the International Convention for the Conservation of Atlantic Tunas.

8. The Conference requested the Government of the Contracting Parties to the International Convention for the Conservation of Atlantic Tunas to proceed to implement the internal procedures necessary for the approval, ratification or acceptance of the Protocol, so as to ensure its entry into force as soon as possible.

Done at Paris, July 10, 1984.

PROTOCOL ATTACHED TO THE FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES OF THE STATES PARTIES TO THE INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

(Paris, July 9–10, 1984)

I. Articles XIV, XV and XVI of the International Convention for the Conservation of Atlantic Tunas are modified as follows:

ARTICLE XIV

1. This Convention shall be open for signature by the Government of any State which is a Member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval, or adherence on the date of such deposit.

4. This Convention shall be open for signature or adherence by any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

5. Upon the deposit of its instrument of formal confirmation or adherence, any organization referred to in paragraph 4 shall be a Contracting Party having the same rights and obligations in respect of the provisions of the Convention as the other Contracting Parties. Reference in the text of the Convention to the term "State" in Article IX, paragraph 3, and to the term "government" in the Preamble and in Article XIII, paragraph 1, shall be interpreted in this manner.

6. When an organization referred to in paragraph 4 becomes a Contracting Party to this Convention, the member states of that organization and those which adhere to it in the future shall cease to be parties to the Convention; they shall transmit a written notification to this effect to the Director-General of the Food and Agriculture Organization of the United Nations.

ARTICLE XV

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all Governments referred to in paragraph 1 of Article XIV and all the organizations referred to in paragraph 4 of the same Article of deposits of instruments of ratification, approval, formal confirmation or adherence, the entry into force of this Convention, proposals for amendments, notifications of

acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

ARTICLE XVI

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies of it to the Governments referred to in paragraph 1 of Article XIV and to the organizations referred to in paragraph 4 of the same Article.

II. The original of this Protocol, the English, French and Spanish texts of which are equally authentic, shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. It shall be open for signature in Rome until September 10, 1984. The Contracting Parties to the International Convention for the Conservation of Atlantic Tunas that have not signed the Protocol by that date may nevertheless deposit their instruments of acceptance at any time. The Director-General of the Food and Agriculture Organization of the United Nations shall send a certified copy of this Protocol to each of the Contracting Parties to the International Convention for the Conservation of Atlantic Tunas.

III. This Protocol shall enter into force upon deposit with the Director-General of the Food and Agriculture Organization of the United Nations of instruments of approval, ratification or acceptance of all Contracting Parties. In this regard, the provisions set out in the last sentence of paragraph 1 of Article XIII of the International Convention for the Conservation of Atlantic Tunas shall apply *mutatis mutandis*. The date of entry into force shall be the thirtieth day following the deposit of the last instrument.

Done at Paris, July 10, 1984.

○